

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TOMMY BROWN, on his own behalf and  
on behalf of other similarly situated  
persons,

Plaintiff,

v.

TRANSWORLD SYSTEMS, INC., *et al.*,

Defendants.

No. 2:20-cv-00680-DGE

DEFENDANTS NATIONAL COLLEGIATE  
STUDENT LOAN TRUST 2004-1,  
NATIONAL COLLEGIATE STUDENT  
LOAN TRUST 2004-2, NATIONAL  
COLLEGIATE STUDENT LOAN TRUST  
2005-1, NATIONAL COLLEGIATE  
STUDENT LOAN TRUST 2005-2,  
NATIONAL COLLEGIATE STUDENT  
LOAN TRUST 2005-3, NATIONAL  
COLLEGIATE STUDENT LOAN TRUST  
2006-1, NATIONAL COLLEGIATE  
STUDENT LOAN TRUST 2006-2,  
NATIONAL COLLEGIATE STUDENT  
LOAN TRUST 2007-1, AND NATIONAL  
COLLEGIATE STUDENT LOAN TRUST  
2007-2'S REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF MOTION TO  
DISMISS PLAINTIFF'S COMPLAINT

NOTE ON MOTION CALENDAR:

Friday April 1, 2022

ORAL ARGUMENT REQUESTED

Defendants National Collegiate Student Loan Trust 2004-1, National Collegiate Student  
Loan Trust 2004-2, National Collegiate Student Loan Trust 2005-1, National Collegiate Student  
Loan Trust 2005-2, National Collegiate Student Loan Trust 2005-3, National Collegiate Student

REQUEST FOR JUDICIAL NOTICE IN SUPPORT  
OF MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT (No. 2:20-cv-00680-DGE) – 1

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Loan Trust 2006-1, National Collegiate Student Loan Trust 2006-2, National Collegiate Student Loan Trust 2007-1, and National Collegiate Student Loan Trust 2007-2 (collectively, the “Trusts”) respectfully request that the Court take judicial notice, under Rule 201 of the Federal Rules of Evidence and the authorities cited below, of the following documents attached as Exhibits A-G to this Request. This Request is made in connection with the Trusts’ Motion to Dismiss Plaintiff’s Complaint.

EXHIBIT	DESCRIPTION
<b>A</b>	Amended Complaint filed by Osure Brown in the United States District Court for the Western District of Washington on June 25, 2020 in <i>Osure Brown v. Transworld Systems, Inc., et al.</i> , Case No. 20-cv-00669.
<b>B</b>	Complaints filed by the Trusts in the Superior Court of the State of Washington, County of King on April 5, 2019 in Case Nos. 19-2-09402-8; 19-2-09403-6; 19-2-09404-4; 19-2-09405-2; 19-09406-1; 19-2-09407-9; 19-2-09408; 19-2-09409-5; 19-2-09410-9; and 19-2-09411-7.
<b>C</b>	Answers to Complaints by Tommy Brown filed in the Superior Court of the State of Washington, County of King on August 15, 2019 in Case Nos. 19-2-09402-8; 19-2-09403-6; 19-2-09404-4; 19-2-09405-2; 19-09406-1; 19-2-09407-9; 19-2-09408; 19-2-09409-5; 19-2-09410-9; and 19-2-09411-7.
<b>D</b>	Motion for Summary Judgment by Osure Brown and Tommy Brown filed in the Superior Court of the State of Washington, County of King on October 14, 2019 in Case No. 19-2-09402-8.
<b>E</b>	Order Granting Motion for Summary Judgment by Osure Brown and Tommy Brown filed in the Superior Court of the State of Washington, County of King on November 18, 2019, Case No. 19-2-09402-8.
<b>F</b>	Memorandum Opinion filed in the United States District Court for the District of Delaware on May 31, 2020 in <i>Consumer Financial Protection Bureau v. The National Collegiate Master Student Trust, et al.</i> , Case No. 17-1323 (MN).

EXHIBIT	DESCRIPTION
<b>G</b>	Order filed in the United States District Court for the District of Delaware on February 11, 2022 in <i>Consumer Financial Protection Bureau v. The National Collegiate Master Student Trust, et al.</i> , Case No. 17-1323 (MN).

### **BASIS FOR REQUESTING JUDICIAL NOTICE**

When evaluating the adequacy of a complaint, the court may consider exhibits submitted with the complaint or those that are subject to judicial notice, without converting a motion to dismiss into a motion for summary judgment. *Swartz v. KPMG LLP*, 476 F.3d 756, 763 (9th Cir. 2007); *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001); *Durning v. First Boston Corp.*, 815 F.2d 1265, 1267 (9th Cir. 1987).

Exhibits A-G are documents of public record. The contents contained therein are not reasonably subject to dispute and capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. Fed. R. Evid. 201. Therefore, they are appropriate for judicial notice. *See Lee v. City of Los Angeles*, 250 F.3d 668, 690 (9th Cir. 2001) (holding that courts may take judicial notice of “undisputed matters of public record”).

For the reasons stated above, the Trusts respectfully request the Court take judicial notice of Exhibits A-G attached hereto.

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2 DATED: March 1, 2022

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REQUEST FOR JUDICIAL NOTICE IN SUPPORT  
OF MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT (2:20-cv-00680-DGE) – 4

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